

Infinite Justice: the International Criminal Tribunal for the former Yugoslavia—beyond “implicit religion”

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Abstract: This paper examines judicial and quasi-judicial responses to atrocity, focussing upon the example of the International Criminal Tribunal for the former Yugoslavia (ICTY). It offers a critical development of the author’s earlier paper, “Infinite Justice: implicitly religious responses to the ICTY” (*Implicit Religion*, 7(1) 2004). The paper examines critically the possibility that the theory of “implicit religion” might provide a suitable framework for the analysis of the demand for transcendent justice. When we examine the inevitable limitations of international judicial institutions, however, we must acknowledge that they are ill-equipped to meet our expectations of transcendent justice, and cannot support the “implicitly religious” expectations with which they are often burdened. Other institutions, such as “truth and reconciliation commissions”, which are often canvassed as important complements to more formal judicial responses to atrocity, turn out to suffer similar limitations. The suitability of models of “implicit religion” as aids to the understanding of these judicial and quasi-judicial responses to atrocity is reappraised in the light of A.C. Grayling’s recent reflections on Allied bombing of German cities in the Second World War.

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